



House Amendment to Senate Amendment to H.R. 1625: Omnibus FY 2018 (Rep. Frelinghuysen, R-NJ)

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FLOOR SCHEDULE:

[The House Amendment to Senate Amendment to H.R. 1625](#), the Omnibus, is expected to be considered on March 22, 2018, under a [closed rule](#).

TOPLINE SUMMARY:

[The Omnibus](#) would provide appropriations for the remainder for Fiscal Year 2018 for the agencies funded by the Agriculture; Commerce Justice, Science; Defense; Energy and Water; Financial Services and General Governmental; Homeland Security; Interior; Labor, Health and Human Services, and Education; Legislative Branch; Military Construction and Veterans' Affairs; State and Foreign Operations; and the Transportation, Housing, and Urban Development Appropriations acts.

The bill also includes a significant number of other legislative items. The bill includes: an extension of the FAA, immigration provisions, extension of the National Flood Insurance Program without reforms, extension of the Pesticide Registration Improvement Act, extension of the Generalized System of Preferences, the Wildfire Suppression Funding And Forest Management Activities Act, the RAY BAUM'S ACT OF 2018, the KEVIN AND AVONTE'S LAW, the TARGET ACT, the Child Protection Improvements Act, the Save America's Pastime Act, the Keep Young Athletes Safe Act, the Consent of Congress to Amendments to the Constitution of the State of Arizona, the Stop School Violence Act, the Fix NICS Act, changes to the State Sexual Risk Avoidance Education Program, the Small Business Credit Availability Act, the Small Business Access to Capital After a Natural Disaster Act, Taylor Force Act, the FARM Act, provisions related to Tipped Employees, Revisions to Pass-Through Period and Payment Rules, changes related to deduction of gross sales to agricultural cooperatives from the tax Cuts and Jobs Act, changes to the Low Income Housing Credit, technical tax changes, and the CLOUD Act.

COST:

A Congressional Budget Office (CBO) estimate for the Omnibus is not available.

The Omnibus would provide an annualized net total of \$1.207 trillion in base discretionary spending for the remainder of FY 2018. Of this total, approximately \$629 billion is for defense purposes and \$578 billion is for non-defense purposes. The bill would provide \$78.1 billion Global War on Terror (GWOT)/Overseas Contingency Operations (OCO). This level is in compliance with the Budget Control Act (BCA) spending caps as raised by the [Bipartisan Budget Act of 2018](#) (BBA 2018). The BBA2018 raised the defense and non-defense discretionary BCA caps by \$80 billion and \$63 billion, respectively. The pre-BBA2018 Budget

Control Act caps for FY 2018 were \$549 billion for defense and \$516 billion for non-defense. The defense and non-defense caps are now \$629 billion and \$578 billion, respectively.

The [president's budget request](#) included \$603 billion for base defense and \$462 billion for base non-defense, in addition to \$65 billion in defense OCO.

Discretionary Spending Comparisons (Budget Authority on Annualized Basis in Billions of Dollars)									
	Base Defense	Defense OCO	Total Defense	Base Non- Defense	Non- Defense OCO	Total Non- Defense	Total, Base	Total, OCO	Total, Base + OCO ¹
BCA FY 2018 Caps (pre-BBA2018)	549.1	²	549.1	515.7	²	515.7	1,064.8	²	1,064.8
BCA FY 2018 Caps (post-BBA2018)	629.0	²	629.0	579.0	²	579.0	1,208.0	²	1,208.0
February CR (current funding)	551.5	83.0	634.5	519.8	21.4	541.2	1071.3	104.4	1175.6
House-passed Omnibus	621.5	73.9	695.4	511.4	12.7	524.1	1,132.9	86.6	1,219.5
President's Original FY 2018 Request³	603.0	64.60	667.6	462.0	12.0	474.0	1,065.0	76.6	1141.6
FY 2018 Omnibus	629.0	65.2	694.16	578.0	12.7	590.6	1,207	78.0	1.987

1. The Total, Base + OCO column does not include other categories of cap-exempt discretionary spending, such as a Disaster Relief, Emergency, Program Integrity, and 21st Century Cures. The last CR, passed as part of BBA2018, included \$6.713 billion for Disaster Relief, \$125.6 billion for Emergency, \$1.876 billion for Program integrity, and \$866 million for 21st Century Cures funding.

2. The BCA did not specify OCO levels.

3. All references to the President's FY18 Budget Request refer to the original request and do not include supplemental request.

FY 2018 Base Appropriations Comparison (in billions of Dollars)					
	House-Passed FY 18 Omnibus	President's Original FY 2018 Budget Request	Final FY 2018 Omnibus	Difference from House-Passed Omnibus	Total Difference with President Request
Agriculture	20.0	15.4	23.3	+3.3	+7.9
Commerce, Justice, Science	53.9	49.1	59.6	+5.7	+10.5
Defense	584.2	565.8	589.5	+5.3	+23.7
Energy and Water	37.6	33.9	43.2	+5.6	+9.3
Financial Services	20.2	22.7	23.4	+3.2	+6.9
Homeland	42.8**	44.0	47.7	+4.9	+3.7
Interior	31.4	27.3	35.3	+3.9	+7.9
Labor, HHS, Education	157.9	148.9	177.1	+19.2	+28.2
Legislative	3.6*	3.8	4.7*	NA*	NA*
Military Construction, VA	88.8	89.4	92.7	+3.9	+3.3
State	35.3	28.2	42.0	+6.7	+13.8
Transportation, HUD	56.5	47.9	70.3	+13.8	+22.4

*The House-passed FY 18 Omnibus does not include funding for Senate-only items, which are included in the final FY2018 Omnibus value, thus a comparison in values is not meaningful.

**The House-passed FY 18 Omnibus was modified from the version passed by the Homeland subcommittee. It was reduced by \$1.57 billion, the same amount provided for fences and levees along the U.S.-Mexico Border the defense minibus, H.R. 3219, the Make America Secure Again Act.

CONSERVATIVE CONCERNS:

Some conservatives will be pleased that the bill would increase defense spending to improve military readiness and strength.

Many conservatives will be very concerned that the 2,232-page bill and 1,507 pages of Explanatory Materials was only made publicly available at 7:57 PM on March 21, 2018. This violates the House Republican the three-day rule, and forces Members to decide on a massive bill funding the entire government and making significant policy changes in approximately 16 hours.

Some conservatives will be concerned that the bill would fund the federal government at a level that exceeds the BCA discretionary spending caps for FY 2018 prior to passage of the Bipartisan Budget Act of 2018 (BBA2018). Particularly concerning is the increase in non-defense discretionary (NDD) spending, which exceeds the pre-BBA2018 BCA cap for FY 2018 by \$63 billion, and FY 2017 NDD spending by \$60 billion. The boost in NDD spending represents the largest single year increase in NDD spending since the BCA caps were created. Conservatives may believe this is a reflection that Democrats have been successful in handcuffing NDD spending to fully funding the national defense. Together, the Omnibus's increase in defense and non-defense for FY 2018 will increase the deficit by \$143 billion.

Conservatives may be concerned over a number of funding decisions contained in the bill. These include decisions to fund certain programs, and decisions to forgo defunding programs and actions opposed by many conservatives. Some are the following:

- Continues to allow funding for Obamacare;
- Continues to fund hundreds of billions of dollars for unauthorized programs.
- Continues to allow taxpayer funds to be provided to Title X Family Planning
- Continues to allow President Obama's illegal DACA amnesty executive actions;
- An increase in renewable energy subsidies;
- The bill would triple funding for TIGER grants.
- Continues to fund local transit programs;
- The bill would provide dedicated funds to WMATA
- The bill would fund the DC Opera House
- The bill has large spending increases in Agriculture appropriations division.
- The bill would fund the National Endowments for the Arts and Humanities
- The bill would fund LIHEAP
- The bill would fund the Refugee and Entrant Assistance Program
- The bill would fund the Social Services Block Grant (SSBG) Program
- The bill would provide billions in international development assistance
- The bill would fund the Ex-Im bank

Other aspects of the bill conservatives may have concerns include:

- The bill does not include Dodd-Frank rollback language.
- The bill does not include a provision prohibiting funding for the administrative expenses of an Obamacare Multi-State plan that provides coverage for abortion.
- The bill does not include a provision to prohibit federal funding for Immigration and Customs Enforcement (ICE) to provide for abortions.
- The bill does not contain the Conscience Protection Act.
- The bill contains a Treasury Forfeiture Fund CHIMP
- No explicit prohibition on Gateway Tunnel funding
- The bill does not include a provision to prohibit the EPA from implementing greenhouse gas regulations for new and existing power plants.

- The bill does not contain language negating the WOTUS rule.
- The bill does not block Obama's National Ocean Policy
- The bill would increase the In-State Housing Credit Ceiling for 2018 – 2021.
- The bill would enhance the Low-income Housing Credit.
- The bill does not have funding to complete licensing of Yucca Mountain;
- The bill does not include a provision to prohibit implementation of the Obama Department of Labor Fiduciary rule.
- The bill does not include a provision to prohibit implementation of the Obama NLRB Joint Employer standard.
- Some conservatives may be concerned that many of the programs funded within the CDMRP are not for military-specific conditions

Non-appropriations related provisions that may concerned conservatives include things like the following:

- Many conservatives may be concerned that the House will consider Fix NICS Act *without* also considering the Concealed Carry Reciprocity Act.
- The CLOUD Act is substantial authorizing legislation concerning privacy and international agreements, and is being added onto the Omnibus

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would increase spending above current levels.
- **Encroach into State or Local Authority?** Some conservatives may believe that some of the programs funded by the bill encroach into state and local authority.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, according to the Explanatory Statement.

DETAILED SUMMARY AND ANALYSIS:

- Division A: Agriculture
- Division B: Commerce, Justice, Science and Related Agencies Appropriations
- Division C: Defense
- Division D: Energy & Water
- Division E: Financial Services and General Government
- Division F: Homeland Security
- Division G: Interior & Environment
- Division H: Labor, Health and Human Services, and Education
- Division I: Legislative Branch
- Division J: Military Construction & Veterans Affairs
- Division K: State and Foreign Operations
- Division L: Transportation, Housing, and Urban Development
- Division M: Extensions
- Division N: BUILD Act
- Division O: Wildfire Suppression Funding & Forest Management Activities
- Division P: Ray Baum's Act of 2018
- Division Q: Kevin & Avonte's Law
- Division R: TARGET Act
- Division S: Other Matter

Division A: Agriculture, Rural Development, Food and Drug, and Related Agencies Appropriations Act

The bill would include a total of \$23.3 billion in discretionary funding for programs covered by the Agriculture, Rural Development, Food and Drug, and Related Agencies bill, which is \$7.9 billion above the president's request, and \$2.1 billion above the FY 2017 enacted level.

Agricultural Programs

Agricultural Research: The bill includes \$2.75 billion for agricultural research programs, including \$1.343 billion for the Agricultural Research Service and \$1.407 million for the National Institute of Food and Agriculture. The bill also includes \$3,000,000 for the Rural Health and Safety Education Program to address the opioid abuse epidemic and to combat opioid abuse in rural communities

Animal and Plant Health Inspection Service: The bill includes \$985 million for APHIS

Agricultural Marketing Service: The bill provides \$1.613 billion for the Agricultural Marketing Service.

Farm Service Agency: The bill provides \$1.627 billion for the FSA, including \$1.309 billion appropriation and almost \$318 million in transfers.

Agriculture Credit Insurance Fund: The bill authorizes \$8.005 billion in farm operating and ownership loans, as well as other farm credit programs.

Conservation Programs

The bill provides \$1.034 million for conservation programs in the Natural Resources Conservation Service. This would include \$150 million for watershed flood and prevention operations.

Rural Development.

Housing Loans: The bill would authorize \$25.1 billion in loans for single family direct and guaranteed loans. The bill would also authorize \$230 million in multi-family loan guarantees.

Rental Assistance: The bill provides \$1.345 billion in rental assistance.

Water and Wastewater: The bill provides \$1.25 billion in rural water system direct and guaranteed loans.

Rural Utilities Service: The bill includes \$560.3 million for the RUS subsidies and grants.

Domestic Food Programs

Women, Infants, and Children: The bill includes \$6.175 billion in discretionary funding for WIC.

Mandatory Programs: The bill includes \$24.3 billion in mandatory funding for child nutrition programs and \$74 billion in mandatory funding for SNAP (food stamps).

Foreign Assistance and Related Programs

Food for Peace: The bill would include \$1.716 billion in funding for Food for Peace Title II grants, a program the President's budget proposed to eliminate.

McGovern-Dole: The bill would include \$207 million for the McGovern-Dole international food for education program.

Related Agencies

FDA: The bill provides \$2.9 billion in discretionary funding along with authority to spend \$2.25 billion in user fees, for a total of \$5.15 billion in funding for the FDA.

Major Policy Provisions

The bill continues the current-law prohibition on the use of funds for the FDA to allow the genetic modification of embryos.

The bill does not prohibit implementation of Obamacare Menu labeling requirements.

The bill does not allow schools demonstrating a financial hardship to seek an exemption from the whole grain nutrition standards, something that previously accomplished through appropriations limitation.

The bill does not include language exempting e-cigarettes from FDA regulation.

The bill would prohibit first class travel by employees.

Division B: Commerce, Justice, Science and Related Agencies Appropriations

The legislative text for the Commerce, Justice, Science and Related Agencies Appropriations Act can be found [here](#), and the Explanatory Statement can be found [here](#).

The bill would provide a net total of \$70.26 billion in base discretionary appropriations, a level that is \$5.2 billion above the FY 2017 enacted level and \$10.3 billion above the President's budget request. The bill is \$16.3 billion above the House-passed level.

Title I: Department of Commerce: The bill would provide the Department of Commerce \$11.1 billion, a level that is \$1.9 million above the FY 2017 enacted level and \$3.3 billion above the President's budget request.

Economic Development Agency: The bill would provide \$302 million for the EDA, a level that is \$26 million above the enacted FY 2017 level, and \$272 million above the President's budget request.

The [RSC Budget](#) would eliminate the EDA because it "is a duplicative program and provides subsidies in an area that is not the responsibility of the federal government."

Bureau of the Census: The bill would provide \$2.8 billion for the Census, a level that is \$1.3 billion above the enacted FY 2017 level, and \$1.3 billion above the President's budget request.

National Oceanic and Atmospheric Administration (NOAA): The bill would provide NOAA with \$5.9 billion, which is \$234 million above the FY 2017 enacted level and \$1.4 billion above President Trump's requested amount.

National Oceans Policy: The bill *does not* include a provision prohibiting funding for the National Oceans Policy, although the Explanatory Statement notes that no funding was requested for the National oceans Policy.

Title II: Department of Justice

The bill would appropriate a total of \$30.3 billion for the Department of Justice, a level that is \$1.3 billion above the FY 2017 enacted level, and \$2 billion above the President's budget request.

Executive Office for Immigration Review: The bill would provide an appropriation of \$501 million for the Executive Office for Immigration Review, a level that is \$65 million above the FY 2017 enacted level and \$867,000 below the President's requested level.

Federal Bureau of Investigation: The bill would provide \$9.4 billion for the FBI, a level that is \$394 million above the FY 2017 enacted level and \$626 million above the President's request.

The [Explanatory Statement](#) states that "within the level of funding provided, the FBI shall ensure that the National Instant Criminal Background Check System (NICS) operations more adequately address background check demand and improve NICS performance, including enhancing system availability, determination rates, and E-Check services."

The [Explanatory Statement](#) states that "Within the increased funding provided, the FBI is directed to make the counterintelligence and cyber-related investments necessary to help respond to foreign actors, including those seeking to compromise democratic institutions and processes."

The bill does not include funds for the FBI's revised headquarters consolidation plan.

Drug Enforcement Agency: The bill would provide \$2.2 billion for the DEA, a level that is \$87 million above the FY 2017 enacted level, and \$26 million above the President's requested level.

Bureau of Alcohol, Tobacco, Firearms and Explosives: The bill would provide \$1.3 billion for the BATFE, a level that is \$35 million above the FY 2017 enacted level, and \$20 million above the President's request.

Federal Prison System: the bill would provide \$7.3 billion for the Federal Prison System, a level that is \$137 million above the FY 2017 enacted level, and \$77 million above the President's budget request.

State and Local Law Enforcement Activities: The bill would provide a total of \$2.4 billion in assistance to state and local law enforcement agencies, a level that is \$375 million above the FY 2017 enacted level and \$2 billion above the President's budget request.

National Aeronautics and Space Administration (NASA): The bill would provide \$20.7 billion for NASA, a level that is \$1.1 billion above the FY 2017 enacted level, and \$1.6 billion above the President's budget.

National Science Foundation: The bill would provide a total of \$7.8 billion for the NSF, a level that is \$295 million above the FY 2017 enacted level, and \$1.1 billion above the President's budget request.

Legal Services Corporation (LSC): The bill would fund the LSC at \$410 million, \$25 million above the FY 2017 enacted level and \$377 million above the President's budget request.

The [RSC Budget](#) would eliminate the LSC because it "has evolved into an organization that also takes part in taxpayer bankrolled advocacy for political causes and lobbying. The LSC is marked by misuse of taxpayer money and redundancy as many of LSC's programs are offered by the states."

Abortion Funding: The bill would continue a current law provision to prohibit federal funds to pay for an abortion, except in the case of rape or to preserve the life of the mother. It would ban abortion funding for federal prisoners and would include conscience protections for prison employees.

Conscience Clause: The bill would continue a current law provision to include conscience protection clause that would prohibit funds to require any person to perform or facilitate in any way the performance of any abortion.

Fast and Furious: The bill would make permanent a current law provision to prohibit funding to carry out a Fast and Furious gunwalking operation.

Shotguns: The bill would continue a current law provision to prohibit funding to deny the importation of shotguns for sporting purposes.

Relic Firearms: The bill would continue a current law provision to prohibit funding to deny the importation of curio and relic firearms.

UN Arms Trade Treaty: The bill would continue a current law provision to prohibit funds to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

Rifle Reporting: The bill *does* not include a provision to prohibit funding for an unauthorized reporting and registration requirement regarding the sale of multiple rifles to the same person.

Guantanamo Bay: The bill would continue a current law provision to prohibit funds to construct, acquire, or modify a facility in the U.S. to house detainees held at Guantanamo Bay.

The bill would continue a current law provision to prohibit funds to transfer or release detainees held at Guantanamo Bay to the United States.

Marijuana: The bill includes a provision to prohibit funds for the Department of Justice to prevent 46 states, the District of Columbia, and two territories from implementing their own laws authorizing medical marijuana. The states affected include: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or the District of Columbia, Guam, and Puerto Rico.

Division C: Department of Defense Appropriations Act, 2018

[Division C](#) would provide a net total of \$589.5 billion in Fiscal Year 2018 base discretionary budget authority that is subject to the Budget Control Act (BCA) discretionary spending caps (as increased by the Bipartisan Budget Act of 2018 (BBA18)). A summary of division C from the House Committee on Appropriations can be found [here](#).

<i>In thousands of Dollars</i>			
	FY17 Enacted	FY18 President's Request	FY18 Omnibus House Level
Net Total Base Discretionary	524.4	574.5	589.5

The bill also includes \$65.2 billion in Overseas Contingency Operations (OCO/GWOT) funding that is exempt from the BCA spending caps.

Total Department of Defense Appropriations <i>In billions of Dollars</i>	
Base Appropriations	589.5
OCO Appropriations	65.2
Total FY 2017 DOD Appropriations	654.7

In total, the bill would provide \$654.7 billion in appropriations for the Department of Defense, a \$3.5 billion reduction from what was appropriated in H.R. 3219, Make America Secure Appropriations Act, 2018.

Title I: Active, Reserve, And National Guard Military Personnel

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President's Request	FY18 House Level	New FY18 vs 17 Enacted	New FY18 vs President
128,725,978	133,881,636	133,367,397	+4,641,419	-514,239

Military Personnel would be appropriated \$133.367 billion, a level that is \$514 million below President Trump's budget request and \$4.641 billion above the FY 17 enacted level.

Military Personnel End Strength: The bill would provide funding to support end-strength levels of 27,800 above those authorized in FY 2017 and 17,000 above President Trump's budget request. A summary of end-strength personnel levels is below and a more detailed table can be found in the [committee report](#):

End Strength	FY17 Enacted	FY18 President's Request	FY18 House Level	New FY18 vs 17 Enacted	New FY18 vs President
Total, Active Forces	1,305,900	1,314,000	1,322,500	+ 16,600	+ 8,500
Total, Selected Reserve	813,200	815,900	816,900	+ 3,700	+ 1,000
Total, Military Personnel	2,119,100	2,129,900	2,139,400	+ 20,300	+ 9,500

Military Pay Raise: The bill would provide funding to increase pay for all military personnel by 2.4 percent effective January 1, 2018.

Title II: Operation and Maintenance*Net Total Discretionary in Thousands of Dollars*

FY17 Enacted	FY18 President's Request	FY18 House Level		New FY18 vs 17 Enacted	New FY18 vs President
167,603,260	188,570,298	188,245,583		+20,642,323	-324,715

Operation and Maintenance (O&M) would be appropriated \$188.245 billion, a level that is \$325 million below President Trump's budget request and \$20.642 billion above the FY 2017 enacted level.

A detailed table of O&M base appropriations can be found in the [committee report](#).

Sexual Assault Special Victims' Counsel Program: The bill would provide \$35 million for the Sexual Assault Special Victims' Counsel Program (Section 8057).

Title III: Procurement*Net Total Discretionary in Thousands of Dollars*

FY17 Enacted	FY18 President's Request	FY18 House Level		New FY18 vs 17 Enacted	New FY18 vs President
108,426,827	113,906,877	133,868,632		+25,441,805	+19,936,755

Procurement would be appropriated \$133.868 billion, a level that is \$19.936 billion above President Trump's budget request and \$25.441 billion above the FY 2017 enacted level.

A detailed table of Procurement base appropriations can be found in the [committee report](#).

Title IV: Research, Development, Test and Evaluation*Net Total Discretionary in Thousands of Dollars*

FY17 Enacted	FY18 President's Request	FY18 House Level		New FY18 vs 17 Enacted	New FY18 vs President
72,301,587	82,716,636	88,308,133		+16,006,546	+5,616,497

Research, Development, Test and Evaluation (RDT&E) would be appropriated \$88.308 billion, a level that is \$5.616 billion above President Trump's budget request and \$16.006 billion above the FY 2017 enacted level.

A detailed table of RDT&E base appropriations can be found in the [committee report](#).

Title VI: Other Department of Defense Programs

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President's Request	FY18 House Level	New FY18 vs 17 Enacted	New FY18 vs President
35,615,831	35,868,136	36,646,600	+1,030,769	+778,464

Other Defense Programs would be appropriated \$36.646 billion, a level that is \$778.464 million above President Trump's budget request and \$1.030 billion above the FY 2017 enacted level.

Defense Health Program: The bill would provide \$34.428 billion for the Defense Health Program, a level that is \$763 million above President Trump's budget request and \$646 million above the FY 2017 enacted level.

The primary mission of the Defense Health Program is to "provide for worldwide medical and dental services to active forces and other eligible beneficiaries." Within this total, \$31.521 billion is for Operations and Maintenance, \$867 million is for Procurement, and \$2 billion is for Research, Development, Test, and Evaluation (RDT&E).

As part of RDT&E, the Congressionally Directed Medical Research Program (CDMRP) is funded at \$1.366 billion above the president's budget request. According to [CRS](#), "Members of Congress are frequently lobbied to support adding funding to the annual defense appropriation for medical research on a wide variety of diseases and topics." While medical research is a laudable activity, some conservatives may be concerned that many of the programs funded within the CDMRP are not for military-specific conditions and are duplicative of the type of [research done](#) at the National Institutes of Health (NIH). According to [Taxpayers for Common Sense](#), "These programs are clearly earmarks and therefore take money away from other necessary Defense Department functions."

The bill provides research funding for:

- alcohol and substance abuse disorders research
- ALS research alzheimer research
- autism research
- bone marrow failure disease research
- breast cancer research
- cancer research
- Duchenne muscular dystrophy research
- gulf war illness research
- hearing restoration research
- kidney cancer research
- lung cancer research
- lupus research
- multiple sclerosis research
- orthopedic research
- ovarian cancer research
- prostate cancer research
- spinal cord research
- reconstructive transplant research
- tickborne disease research
- traumatic brain injury and psychological health research
- tuberous sclerosis complex research
- vision research
- Global HIV/AIDS prevention
- HIV/AIDS program increase
- Joint warfighter medical research
- Trauma clinical research program

Title VII: Related Agencies

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President's Request	FY18 House Level	New FY18 vs 17 Enacted	New FY18 vs President
1,029,596	1,046,000	1,051,600	+22,004	+5,600

The related agencies funded by the bill would be appropriated \$1.051 billion, a level that is \$5.6 million above President Trump's budget request and \$22 million above the FY 2017 enacted level.

Classified Programs: This title would provide for classified programs, including the Director of National Intelligence, the Intelligence Community Management staff, the Central Intelligence Agency (CIA), the Defense Intelligence Agency, the National Reconnaissance Office, the National Security Agency, the National Geospatial-Intelligence Agency, the intelligence services of the Departments of the Army, Navy, Air Force, and the CIA Retirement and Disability fund. The majority of this information is published in the classified annex.

Title IX: Global War on Terrorism (GWOT)/Overseas Contingency Operations (OCO)

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President's Request	FY18 House Level	New FY18 vs 17 Enacted	New FY18 vs President
61,822,000	65,118,982	65,166,000	+3,344,000	+47,018

OCO/GWOT would be appropriated \$65.166 billion, a level that is \$47 million above President Trump's budget request and \$3.344 billion above the FY 2017 enacted level.

Personnel: The bill would provide a total of \$4.326 billion in OCO Military Personnel funding.

Operations and Maintenance (O&M): The bill would provide a total of \$50.317 billion in OCO military O&M funding.

The bill would provide \$1.769 billion for the Counter-ISIL Train and Equip Fund, \$789 million more than the FY 17 enacted level.

Procurement: The bill would provide a total of \$10.424 billion in OCO military Procurement funding.

Research, Development, Test and Evaluation (RDT&E): The bill would provide a total of \$926 million in OCO RDT&E funding.

MAJOR POLICY PROVISIONS:

Guantanamo Detainees: The bill would prohibit funds to transfer or release any detainee held at Guantanamo Bay into the U.S, modify any facility in the U.S. to house any Guantanamo detainee, and prohibit the use of funds to close or transfer the jurisdiction of the Naval Station Guantanamo Bay.

War Powers Resolution: The bill would prohibit the use of funds in contravention of the War Powers Resolution. The bill would also specifically prohibit the use of funds in contravention of the War Powers Resolution in Iraq.

Support for Israel: The bill would provide \$705.8 million in direct support for Israel, including \$92 million for Iron Dome, \$373 million for upper-tier missile defense including the Arrow missile program, for Short Range Ballistic Missile Defense. The bill included \$126.7 million for Israeli anti-tunneling technology to combat terrorism.

Second Amendment Provisions: The bill would prohibit the DOD from demilitarizing or disposing of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols or to destroy small arms ammunition that is not otherwise prohibited for commercial sale by federal law (Section 8018).

Rosoboronexport: The bill would prohibit funding for contracts, agreements, grants, loans, or other agreements with the Rosoboronexport company unless certain conditions are met, such as a prohibition on Rosoboronexport contracts with Syria and a requirement that the Russian Federation withdraws armed forces from Ukraine. Rosoboronexport is the Russian state sole-source export company for defense and dual-use products.

Intelligence: The bill would prohibit the use of funds for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities and that information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333 (Section 8080).

FISA: The bill would prohibit the use of funds for the National Security Agency (NSA) to “conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or acquire, monitor, or store the contents of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.”

BRAC: The bill would prohibit the use of funds for Base Realignment and Closure (Section 8120).

Prohibition on Assistance to North Korea: The bill would prohibit funding from being obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

Sale of Tobacco Products: The bill would prohibit the sale of tobacco products in military resale outlets below the most competitive price in the local community (Section 8033).

Evolved Expendable Launch Vehicle Procurement: The bill would require that the Evolved Expendable Launch Vehicle (EELV) competitive procurements be open for award to all certified providers of EELV-class systems and that the award shall be made to the provider that offers the best value to the government (Section 8048).

Grants to the Red Cross and the USO: The bill would provide \$20 million for the United Service Organizations (USO) and \$24 million to the Red Cross.

Fisher House: The bill would provide \$10 million for Fisher Houses that provide free housing to the families of wounded warriors while they are receiving hospital treatment.

Protectionism: The bill included protectionist “buy American” provisions for: supercomputers, ball and roller bearings, anchors and chains, flags, and carbon, alloy, and armor steel plate.

The bill also subjects all funds made available by the bill to the Buy American Act, and requires the Secretary of Defense to consider disbaring any individual from contracting with the Department who has been convicted of intentionally misusing a “made in America” label.

Army Contracting Command—New Jersey: The bill would prohibit the use of funds to eliminate, restructure, realign, or make disproportionate personnel reductions at Army Contracting Command—New Jersey sites without 30-day notification to Congress. Picatinny Arsenal is located in New Jersey's 11th Congressional District.

Division D: Energy and Water Development And Related Agencies Appropriations Act, 2018

The legislative text for the FY 2018 Energy And Water Appropriations Act can be found [here](#), and the Explanatory Materials can be found [here](#).

Overall Spending

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President Request	FY18 Bill	FY18 vs 17 Enacted	FY18 vs President
38,450,00	34,188,515	43,218,504	+4,768,504	+9,029,989

The FY 2018 Energy and Water Appropriations Act provides a total of \$43.219 billion, a level that is \$4.8 billion above the FY 2017 enacted level and \$9 billion above the requested level.

Within this total, \$21.497 billion is for defense purposes and \$21.722 billion is non-defense.

Title I: Corps of Engineers – Civil

The bill would provide a total of \$6.8 billion for the Corps of Engineers, a level that is \$789 million above the FY 2017 enacted level and \$1.8 billion above the President’s request.

Additional Funding for Ongoing Work: The bill provides additional funding for authorized projects not specifically included in the president’s budget request in the accounts that fund ongoing Corps work.

The administration is given authority to allocate these funds to a project if: (1) it has received funding, other than through a reprogramming, in at least one of the previous three fiscal years; (2) it was previously funded and could reach a significant milestone or produce significant outputs in FY 2018; or, (3) it is selected as one of the new starts allowed by the bill. The Corps is required to submit a work plan within 60 days of enactment. These allocations allow the Congress to fund projects in addition to just those included in the president’s budget, while staying compliant with the earmark ban, because the bill does not specify which projects should be supported with these funds.

Fill Material Regulations: Section 108 of the bill prohibits the Army Corps of Engineers from requiring a permit for the discharge of dredged or fill material under the Clean Water Act for agricultural activities under [Section 404](#) of the CWA.

Prohibition on Reevaluation: The bill would prohibit funds to conduct an economic reevaluation of any Upper Mississippi River And Illinois Water-Way System project authorized by [WRDA 2007](#).

Navigable Waters (WOTUS): The bill *does not* include a rider from the House-passed version that would allow the Army Corps of Engineers and the Environmental Protection Agency (EPA) to withdraw the rule changing the definition of “navigable waters” under the Clean Water Act. In 2014, the EPA and the Corps proposed regulations that would reverse the long-standing definition of what waters would be regulated by the Clean Water Act. These regulations would place significant permitting and regulatory costs on many property owners.

Firearms on Army Corps Property: The bill *does not* include a rider from the House-passed version to prohibit the Army Corps from adopting regulations that ban individuals not otherwise prohibited from possessing a firearm. In 2009, legislation was enacted that allowed the possession of firearms on property controlled by the National Park Service and National Wildlife Refuge System.

Title III: Department of Energy

The bill would provide a total of \$34.5 billion for the Department of Energy, a level that is \$3.8 billion above the FY 2017 enacted level and \$6.6 billion above the President’s budget request.

In total, the bill would provide \$12.918 billion in energy subsidies, a level that is \$5.4 billion above the President’s budget, and \$1.6 billion above the FY 2017 enacted level. This level is \$3.3 billion, or one-third larger than the House-passed bill. This level is 72 percent above the President’s budget.

Energy Efficiency and Renewable Energy (EERE): EERE is appropriated \$2.322 billion, a level that is \$1.7 billion above the president’s budget request and \$232 million above the FY 2017 enacted level. This funding level is more than double the House-passed level and almost four times the amount requested by the President. This program subsidizes “green energy” projects, research, and development.

The [RSC Budget](#) proposes eliminating this account, stating: “Not only does this allow the federal government to pick winners and losers, but also it limits research to a small sector of the energy economy—renewables. The U.S. should pursue a market-based, all-of-the-above energy policy.”

Electricity Delivery and Energy Reliability: Electricity Delivery and Energy Reliability is appropriated \$248 million, a level that is \$128 million above the president’s budget request and \$18 million above the FY 2017 enacted level. This program is meant to “increase the efficiency, resilience, and security” of our electricity system.

The [RSC Budget](#) proposes eliminating this account, stating: “Many of these activities would be more appropriately handled by the private sector or other agencies, such as the Federal Energy Regulatory Commission (FERC).”

Nuclear Energy: The Nuclear Energy program is appropriated \$1.205 billion, a level that is \$502 million above the president’s budget request and \$188 million above the FY 2017 enacted level. This program conducts research to develop new nuclear reactors. This funding level is more than double the President’s request.

The [RSC Budget](#) proposes eliminating this account, stating: “It is inappropriate for the federal government to conduct research that would otherwise be carried out by private industry.”

Fossil Energy Research and Development: Fossil Energy Research and Development is appropriated \$726 million, a level that is \$447 million above the president’s budget request and \$59 million above the FY 2017 enacted level. This program conducts research on fossil fuels, such as coal, oil, and natural gas. This funding level is more than double the President’s request.

The [RSC Budget](#) proposes eliminating this account, stating: “Instead of government-directed subsidies, the U.S. should pursue a market-oriented “all of the above” energy strategy.”

DOE Office of Science: The DOE Office of Science is appropriated \$6.26 billion, a level that is \$1.8 million above the president’s budget request and \$868 million above the FY 2017 enacted level. The Office of Science funds physics, biology, and chemistry science research at national laboratories and universities.

Advanced Research Projects Agency - Energy (ARPA-E): ARPA-E is appropriated \$353 million, a level that is \$380 million above the President’s budget request and \$47 million above the FY 2017 enacted level. The House-passed bill proposed eliminating ARPA-E. The President’s budget also proposed eliminating ARPA-E and rescinding unobligated balances.

The [RSC Budget](#) proposed eliminating ARPA-E because the “agency was started by the failed 2009 stimulus law and is meant to fund high-risk green energy projects. Taxpayers should not bear the burden for research projects that not even the most speculative and daring members of the energy industry will take on for themselves.”

Title 17 Innovative Technology Loan Guarantee Program Administrative Expenses: Title 17 is appropriated a net total of \$23 million (after accounting for \$10 million in offsetting collections), a level that is \$273 million above the President’s budget and \$16 million above the FY 2017 enacted level. The Explanatory Statement states that “The agreement maintains the Title 17 Innovative Technology Loan Guarantee Program, and the Department is directed to process loan applications.”

The House-passed bill would have provided \$2 million for administrative expenses and rescinded \$411 million of prior-year balances, for a net appropriation of -\$411 million. The President’s budget proposed \$2 million in administrative expenses for this program and rescinding \$250 million in prior year balances.

The [RSC Budget](#) proposes eliminating this account, stating: “This is the program that gave us the Solyndra scandal, with taxpayers losing more than \$500 million after the Obama administration gambled on a politically favored company.”

Advanced Technology Vehicles Manufacturing Loan Program: The Advanced Technology Vehicles Manufacturing Loan Program is appropriated \$5 million for administrative expenses, a level that is \$3 million above the president’s budget request and equal to the FY 2017 enacted level. This program provides guaranteed loans to automotive companies to support the development of “greener” cars.

The [RSC Budget](#) proposes eliminating this account, stating: “This program has provided billions of taxpayer dollars to some of the largest car companies in the world, such as Ford and Nissan, to help increase the fuel efficiency of the vehicles they sell – a feature that should be driven by demand from consumers, not government subsidies.”

Yucca Mountain: Under the Nuclear Waste Policy Act of 1982, the federal government has a legal responsibility to assume responsibility for spent civilian nuclear fuel. In 2013, the D.C. Circuit Court of Appeals ruled that the Obama administration’s refusal to complete the Yucca project was in contravention of the Nuclear Waste Policy Act.

The bill *does* not provide \$150 million for restarting the adjudication of the Yucca Mountain license application. The bill *does not* prohibit any funds to be used to close Yucca Mountain.

National Nuclear Security Administration (NNSA): The NNSA is appropriated a total of \$14.7 billion, a level that is \$738 million above the president’s budget request and \$1.7 billion above the FY 2017 enacted level. The [NNSA](#) is a semi-autonomous agency within the U.S. Department of Energy that is charged with sustaining our nuclear weapons, maintaining naval nuclear reactors, and promoting nonproliferation efforts.

Defense Environmental Cleanup: The Defense Environmental Cleanup program is appropriated \$6 billion, a level that is \$451 million above the president's budget request and \$583 million above the FY 2017 enacted level. This program is responsible for the cleanup of contamination at sites where defense related nuclear research and production were carried out.

Regional Commissions: The bill provides a net total of \$256 million in appropriations to five regional commissions, a level that is \$188 million above the president's budget request and \$23 million above the FY 2017 enacted level. The president's budget recommended shutting down the commissions, and the only funds requested were for shut down costs.

The [RSC Budget](#) proposes eliminating these commissions, stating: "These economic development programs are duplicative of other programs and spend federal funding for local projects. Not only is the federal government out of money, but also it is ill-equipped to adequately prioritize local infrastructure and development projects."

National Ocean Policy: The bill *does* not prohibit any funds to be used to implement the [National Ocean Policy](#) under Executive Order 13547, but the Explanatory Statement notes that no specific funds were requested for the National Ocean Policy.

Division E: Financial Services and General Government

The explanatory statement for Division E can be found [here](#).

The bill would provide a net total of \$23.4 billion in FY2018 base discretionary budget authority. This is \$686 million above President Trump's budget request and \$2 billion above the enacted FY 2017 level.

Department of the Treasury

Treasury would be appropriated \$12.155 billion, a level that is \$935 million above President Trump's budget request and \$562 million above the FY 2017 enacted level.

Treasury (Non-IRS): The non-IRS functions of the Treasury would be appropriated a net total of \$727.35 million.

Treasury Forfeiture Fund: The bill would rescind \$702 million from the [Treasury Forfeiture Fund](#) in FY 2018. The fund is populated by assets seized pursuant to law-enforcement activities by the Treasury and certain Homeland Security agencies and is then available to support a number of law enforcement activities. A smaller rescission of these funds means that more resources are available for law enforcement activities. This provision is a "change in mandatory program" (CHIMP).

Internal Revenue Service (IRS): The bill would provide \$11.430 billion for the IRS, which is \$195.5 billion above the FY 2017 level.

Johnson Amendment: The bill does not include a provision that would prohibit the IRS from removing the tax-exempt status of a church for participating in a political campaign unless the IRS Commissioner consents to the determination, the Commissioner notifies Congress of the determination 90 days before the tax-exempt status is removed.

501(c)(4) Regulations: The bill includes a current law provision to prohibit the use of funds for the IRS to issue regulations that would change the definition and standards for 501(c)(4) organizations.

IRS Bonuses: The bill includes a current law provision to prohibit bonuses for IRS employees that do not take into account the conduct and tax compliance of each employee.

IRS Rehiring: The bill includes a current law provision to prohibit rehiring former IRS employees without taking into account the conduct and tax compliance of the employee.

Targeting: The bill includes a current law provision to prohibit the use of funds to target groups and individual citizens based upon their ideological beliefs or for exercising their First Amendment rights.

IRS Conferences: The bill includes a current law provision to prohibit funds for IRS conferences that fail to comply with the Inspector General's recommendations.

IRS Videos: The bill includes a current law provision to prohibit funds for wasteful videos that have not been reviewed for "cost, topic, tone, and purpose and certified to be appropriate."

Releasing Confidential Taxpayer Information: The bill includes a current law provision to prohibit the use of funds in violation of law that prohibits the release of taxpayer return information by the federal government.

Executive Office of the President: The Executive Office of the President would be appropriated \$725 million, a level that is \$37 million above President Trump's budget request and \$16 million below the FY 2017 enacted level.

Drug Policy: The bill would provide \$415 million for the Office of National Drug Control Policy (ONDCP), \$280 million for the High Intensity Drug Trafficking Areas (HIDTA) Program, and \$117 million for other drug control programs.

Judiciary

The Judiciary would be appropriated \$7.110 billion, a level that is \$117 million below President Trump's budget request and \$183 million above the FY 2017 enacted level.

Supreme Court: The bill would provide \$82 million for the Supreme Court.

Defender Services: The bill would provide \$1.1 billion for public defender services.

District of Columbia

Washington D.C. would be appropriated \$721 million, a level that is \$17 million above President Trump's budget request and \$35 million below the FY 2017 enacted level.

Scholarships for Opportunity and Results (SOAR) Act: The bill would provide \$45 million to implement the SOAR Act.

Abortion Funding: The bill would continue to prohibit the use of federal or local funds to provide for an elective abortion in D.C.

Conscience Clause: The bill would maintain the conscience clause for contraceptive coverage by health insurance plans in D.C.

Needle Exchange: The bill would continue to prohibit the use of federal funds for D.C.'s drug needle exchange program.

Marijuana: The bill would continue to prohibit the use of federal or local funds to legalize or reduce the penalties against controlled substances including marijuana.

Local Budget Autonomy: The bill does *not* include a provision that would repeal the Local Budget Autonomy Amendment Act of 2012.

Assisted Suicide: The bill does *not* include a provision that would prohibit funds to enact any law or rule allowing assisted suicide and would repeal the District of Columbia Death With Dignity Act of 2016.

Independent Agencies

The independent agencies funded by the bill would be appropriated \$2.710 billion, a level that is \$149 million below President Trump's budget request and \$1.182 billion above the FY 2017 enacted level.

SEC: The bill would provide \$1.652 billion for the Securities and Exchange Commission (SEC). The bill would not rescind the unobligated balances in the SEC's "Reserve Fund" slush fund created by Dodd-Frank as proposed in the President's budget.

SBA: The bill would provide \$700 million for the Small Business Administration (SBA).

Notable Provisions:

The bill does *not* repeal sections of Dodd-Frank, as proposed in the House-passed Omnibus from September 2017, related to securities holding companies, prohibitions on proprietary trading and certain relationships with hedge funds and private equity funds (the Volcker rule), and study of bank investment activities.

Financial Institution Bankruptcy Act: The bill does *not*, as proposed in the House-passed Omnibus from September 2017, include the text of H.R. 1667, the Financial Institution Bankruptcy Act of 2017, which passed by the House of Representatives on April 5, 2017, by a voice vote. This legislation would establish a new subchapter in the bankruptcy code to cover large financial institutions, imposing losses on shareholders and creditors rather than on taxpayers as under a Dodd-Frank proceeding.

Abortion Funding: The bill includes a provision prohibiting the use of funds to pay for an abortion, including the administrative expenses of a Federal Health Benefits Program (FEHB) that provides coverage for abortion.

The bill does not include a provision prohibiting funding for the administrative expenses of an Obamacare Multi-State plan that provides coverage for abortion.

Political Disclosure: The bill would prohibit the SEC from requiring the disclosure of political contributions.

Disclosure of Communications: The bill does not include a provision that would prohibit the use of funds by a governmental entity to require the disclosure by electronic communications service providers of the contents of electronic communications without a warrant. The was proposed in the House-passed omnibus earlier this year.

Unions: The bill includes a provision that would prohibit the disclosure of an employee's home address to labor unions.

The bill does *not* include the Conscience Protection Act. This was included in the House-passed omnibus.

Division F: Department of Homeland Security Appropriations Act

The bill would provide a total of \$47.7 billion in discretionary appropriations for the Department of Homeland Security, an increase that is \$ 4.9 billion above the FY 2017 enacted level and 3.7 billion above the President's request. It would also provide \$7.4 billion in cap-exempt Disaster relief funding for Federal Emergency Management Agency.

U.S. Customs and Border Protection (USCBP): The Omnibus would provide a total of \$14 billion in discretionary appropriations for USCBP, a level that is \$1.8 billion above the enacted FY 2017 level.

Border Security: Within this amount, the legislation includes \$1.571 billion for physical barriers and associated technology along the southern border including to hire new border patrol agents and acquire new technology, aircraft, sensors, and non-intrusive inspection equipment. Conservatives may be concerned that the spending allocation falls short of what is needed to fulfil the promise to secure the border.

Sec. 230 of the bill specifies how the funding is required to be used:

- \$251,000,000 for approximately 14 miles of secondary fencing, all of which provides for crossbarrier visual situational awareness, along the southwest border in the San Diego Sector.
- \$445,000,000 for 25 miles of primary pedestrian levee fencing along the southwest border in the Rio Grande Valley Sector.
- \$196,000,000 for primary pedestrian fencing along the southwest border in the Rio Grande Valley Sector.
- \$445,000,000 for replacement of existing primary pedestrian fencing along the southwest border.
- \$38,000,000 for border barrier planning and design.
- \$196,000,000 for acquisition and deployment of border security technology.

The bill restricts the funds to be used only for operationally effective designs already deployed as of the date of enactment of the bill, such as steel bollard designs. The bill also restricts funds from being used in the Santa Ana National Wildlife Refuge.

Immigration and Customs Enforcement (ICE): The bill would provide a total of \$7.1 billion in discretionary appropriations for ICE, a level that is \$640.6 million above the FY 2017 enacted level. Funding would be geared toward the hiring of additional law enforcement officer and support staff, domestic and international investigations programs, and detention and removal programs.

Transportation Security Administration (TSA): The bill would provide a total of \$7.9 billion in discretionary funding for the TSA, a level that is \$114.6 million above the FY 2017 enacted level. The spending increase may concern some conservatives.

Coast Guard: The bill would provide \$12.1 billion in discretionary appropriations for the Coast Guard, a level that is \$1.2 billion above the FY 2017 enacted level. This would include the 2.4% military pay increase and readiness resources.

Secret Service: The bill would provide \$1.99 billion for the Secret Service, a level that is \$53 million below the FY 2017 enacted level. The decrease in funding accounts for the close of the previous campaign cycle.

Federal Emergency Management Agency (FEMA): The bill would provide a total of \$10.9 billion for FEMA.

Of this amount, \$7.9 billion would go to the disaster relief funding and \$7.4 billion of which would not be counted against the discretionary cap. The legislation would also include \$3 billion for FEMA grant programs.

The Budget Control Act (BCA) allows for spending above the normal discretionary spending caps for disaster relief activities carried out under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. These activities are primarily funded by appropriations to Federal Emergency Management Agency's (FEMA) Disaster Relief Fund (DRF). The amount of appropriations that is permitted to be designated as cap-exempt disaster funding each year is calculated by an average of the last ten years of actual disaster spending (exempting the highest and lowest amounts). If any amount from the average calculated in the previous year is unused, then it can be applied to the next year's amount.

Citizenship and Immigration Services (CIS): Most CIS activities obtain funding through fee collection. The bill does however appropriate \$108.8 million to fund the E-Verify program in preparation for taking the program nation-wide.

Major Provisions:

Abortion Funding: The bill does *not* include a provision to prohibit federal funding for Immigration and Customs Enforcement (ICE) to provide for abortions, except in certain life-threatening cases, rape, and incest. The bill does not include a conscience protection clause to prohibit ICE from requiring any person to perform an abortion.

Guantanamo Bay: The bill would continue a provision to prohibit funds to transfer or release detainees from Guantanamo Bay.

Visa Overstay Data: the bill would require the Secretary of Homeland Security to submit to Congress a report on the amount of visa overstays estimated to have occurred in FY 2017.

Importation of Prescription Drugs from Canada: the bill prohibits the use of funds to prevent an individual from importing for personal use from Canada prescription drugs that comply with the Federal Food, Drug, and Cosmetic Act.

Jones Act for SPR: the bill would prohibit the use of funds to waive the Jones Act with respect to the transportation of crude oil distributed to and from the Strategic Petroleum Reserve (SPR) "until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels". Under current law, the secretary may waive the navigation or vessel-inspection laws when necessary in the interest of national defense. As described in the RSC Budget, "The Jones Act requires that cargo shipped between U.S. ports be carried on a U.S. built, U.S. flagged vessel that is staffed by a crew that is at least 75 percent American. It is a purely protectionist policy meant to subsidize the domestic shipping industry and union bosses by outlawing competition. This stifles innovation and competition, keeps prices high, and ultimately hurts consumers."

Importation of Confiscated Cuban Property: The bill would *not* prohibit the use of funds to approve the importation of confiscated Cuban property.

Division G: Interior

The bill would provide \$35.2 billion for this bill, a level that is \$3 billion above the FY 2017 enacted level and \$7.9 billion over President Trump's request.

Bureau of Land Management (BLM): The bill would provide \$1.3 billion in discretionary appropriations for the BLM.

U.S. Fish and Wildlife Service (FWS): The bill would provide \$1.6 billion in discretionary appropriations for the FWS.

National Park Service (NPS): The bill would provide \$3.2 billion in discretionary appropriations for the NPS.

U.S. Geological Survey (USGS): The bill would provide \$1.1 billion in discretionary appropriations for the USGS.

Indian Affairs: The bill would provide a total of \$3.1 billion in discretionary appropriations for the Bureau of Indian Affairs and the Bureau of Indian Education.

Wildland Fire: In total, the bill would provide \$3.8 billion for wildland fire programs at the Department of the Interior and the Forest Service.

Payments in Lieu of Taxes (PILT): The bill would provide \$530 million in discretionary funding for PILT.

Sage Grouse: The bill continues a current law provision that would prohibit the issuance of a proposed rule for the Sage grouse under the Endangered Species Act.

Environmental Protection Agency (EPA): The Bill would provide \$8.1 billion for the EPA, a level that is the same as the FY 2017 enacted level.

Forest Service: The bill would provide a total of \$6 billion for the U.S. Department of Agriculture Forest Service.

Indian Health Service: The bill would provide \$5.5 billion for the Indian Health Service.

Smithsonian Institution: The bill would provide \$1 billion for the Smithsonian Institution.

D.C.'s Opera House: The bill would provide a total of \$40.515 million in subsidies for the John F. Kennedy Center for the Performing Arts in Washington, D.C.

Many conservatives may also be concerned that the contains a one-year reauthorization of the Kennedy Center. When a reauthorization of the Kennedy Center was last scheduled for consideration by the House, the bill was pulled due to strong opposition from conservatives including the RSC.

The RSC Budget proposed eliminating this funding, stating: "It is inappropriate for the federal government to subsidize a performing arts center in one of the wealthiest areas in the country." Tickets can often cost over \$150 apiece, and performances are often sold out. The Kennedy Center's website currently lists 16 corporations as Executive Benefactors who provide annual commitment of \$250,000 or greater.

National Endowment for the Arts: The Bill would provide \$152.8 million for the National Endowment for the Arts. President Trump recommended eliminating this funding in his budget amendment.

National Endowment for the Humanities. The Bill would provide \$152.8 million for the National Endowment for the Humanities.

Major Policy Provisions:

Greenhouse Gas: Some conservative may be concerned that the bill does not include a provision to prohibit the EPA from implementing greenhouse gas regulations for new and existing power plants.

Waters of the United States (WOTUS): The bill does *not* contain language negating the WOTUS rule.

Greenhouse Gas Permitting: The Bill continues a current law provision that would prohibit the EPA from implementing a regulation that would require permitting under the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions.

Lead in Ammunition and Fishing Tackle: The Bill includes a provision that would prohibit the EPA from regulating the lead content of ammunition or fishing tackle.

National Ocean Policy: The Bill does *not* include a provision prohibit the implementation of the coastal and marine spatial planning and ecosystem-based management components of the Obama administration's National Ocean Policy.

Manure: The Bill includes a provision that would prohibit the EPA from implementing a regulation that would require reporting of greenhouse gas emissions from manure management systems.

Wolves: The bill includes a provision to require the FWS to re-issue final rules removing gray wolves in Wyoming and the Great Lakes region from listing under the Endangered Species Act.

Agricultural Nutrients: The Bill does *not* include a provision preventing the EPA to issue regulations applying to animal feeding operation under the Solid Waste Disposal Act.

Division H: Labor, Health and Human Services, and Education and Related Agencies Appropriations Bill, 2017

The bill would provide \$177.1 billion for this bill, a level that is about \$16 billion above the enacted FY 2017 level.

Department of Labor: The bill would provide \$12.2 billion for the Department of Labor, \$129 million above the enacted FY 2017 level.

Centers for Disease Control and Prevention (CDC): The bill would appropriate \$8.3 billion for the CDC, \$1.1 billion above the FY 2017 enacted level.

National Institutes of Health (NIH): The bill would provide \$37 billion to the NIH, a level that is \$3 billion above the enacted FY 2017 level. This increase is above the previous BCA cap-exempt increase authorized in the 21st Century Cures Act.

Substance Abuse and Mental Health Administration (SAMHSA): The bill would appropriate \$5 billion for SAMHSA, about \$1.3 billion above the FY 2017 enacted level.

LIHEAP: The bill would provide \$3.64 billion for the Low Income Home Energy Assistance Program (LIHEAP), equivalent to FY 2017 enacted levels. President Trump's budget would eliminate this program because LIHEAP "is a lower-impact program and is unable to demonstrate strong performance outcomes."

Refugee and Entrant Assistance: The bill would provide \$1.864 billion for Refugee and Entrant assistance, about \$190 billion above the FY 2017 enacted level.

Social Services Block Grant (SSBG): The bill would provide \$1.7 billion for the SSBG. President Trump's FY 2018 budget proposed eliminated this program.

Public Health and Social Services Emergency Fund (PHSSEF): The bill would provide \$1.953 billion for the PHSSEF.

Medicaid: The bill provides the appropriation for Medicaid payments to states. Medicaid is an appropriated entitlement that requires the enactment of appropriations bills for funding.

Title X Family Planning: The bill would provide \$286 million in funding for Title X Family Planning which is a major source of funding for Planned Parenthood. The bill does contain language that says that amounts provided to such projects shall not be expended for abortions.

Department of Education: The bill would provide \$70.9 billion for the Department of Education, a level that is \$2.6 billion above the FY 2017 enacted level.

Pell Grants: The bill would increase Pell grant funding.

Corporation for Public Broadcasting: The bill would provide the Corporation for Public Broadcasting with a \$465 million advance appropriation for FY 2020, level funding with FY 2017. President Trump's budget would eliminate this program.

Major Policy Provisions:

Defunding Obamacare: The bill does *not* include language that would prohibit the use of funds made available in this act to be used to implement, administer, enforce, or further any provision of Obamacare.

Hyde Amendment: The bill states that no funds shall be used to carry out an abortion.

Embryo Protection: The bill continues a current law provision to prohibit the use of funds for certain research involving human embryos.

Fiduciary Rule: The bill does *not* include a provision to prohibit implementation of the Obama Department of Labor Fiduciary rule.

Joint Employer Standard: The bill does *not* include a provision to prohibit implementation of the Obama NLRB Joint Employer standard.

Second Amendment Protection: Conservatives will be pleased that the bill continues a long-standing provision to prohibit using federal funds to advocate or promote gun control. However, the Explanatory Material includes new language: "the Secretary of Health and Human Services has stated the CDC has the authority to conduct research on the causes of gun violence."

Division I: Legislative Branch Appropriations Act, 2018

The FY 2018 Legislative Branch Appropriations Act provides a total of \$3.7 billion, a level that is \$198 million above the FY 2017 enacted level.

In keeping with tradition that allows each chamber to allocate its own funding priorities, this bill excludes Senate-only items.

House of Representatives

The bill would provide \$1.2 billion for the House of Representatives.

Capitol Police

The bill would provide \$426.5 million for the Capitol Police.

Congressional Budget Office (CBO)

The bill provides \$49.9 million for the CBO.

Architect of the Capitol (AOC)

The bill would provide \$712 million for the AOC.

Library of Congress (LOC)

The bill would provide \$669 million for the LOC.

Government Accountability Office (GAO)

The bill would provide \$579 million for the GAO.

Open World Leadership Center

The bill would provide \$5.6 million for the Open World Leadership Center. The Open World Leadership Center is a legislative branch program meant to promote democracy in Russia and other Eurasian countries. Previous Legislative Branch appropriations bills have called for eliminating this duplicative agency.

John C. Stennis Center for Public Service Training and Development

The bill provides \$430,000 for the Stennis Center, a level equal to the president's budget request and equal to the FY 2017 enacted level.

The Stennis Center is a legislative branch program meant to "attract young people to careers in public service." Senator Stennis (D-MS) served from 1947 until 1989. The bill provides \$430,000 for the Center, despite the fact that it has access to other sources of funding. The center was created by Congress in 1988 with an initial funding of \$7.5 million in Special Issue Treasury securities and the center has the ability to draw funding from the interest on these securities.

Division J: Military Construction, Veterans Affairs, And Related Agencies Appropriations Act, 2018

The legislative text for the FY 2018 Military Construction and Veterans Affairs Appropriations Act can be found [here](#), and the Committee Report can be found [here](#). A summary from the House Appropriations Committee can be found [here](#).

Overall Spending

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President Request	FY18 House Level	FY18 vs 17 Enacted	FY18 vs President
82,376,000	88,739,291	91,599,900	9,223,900	2,860,609

The FY 2018 Military Construction and Veterans Affairs Appropriations Act provides a net total of \$91,599 billion in base discretionary budget authority, a level that is \$9.223 billion above the FY 2017 enacted level and \$2,860 billion above the requested level. The bill also includes \$750 million in cap-exempt Overseas Contingency Operations (OCO) funding.

\$66.385 billion in FY 2018 funds for veterans' health benefits have been appropriated in advance by previously enacted legislation. This bill contains \$70.699 billion in advance appropriations for veterans' health benefits for FY 2019.

The bill also provides \$107.709 billion in mandatory spending for veterans' benefit programs.

Title I: Military Construction:

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President Request	FY18 House Level		FY18 vs 17 Enacted	FY18 vs President
7,726,000	9,782,451	10,091,000		+2,365,000	+308,549

The bill provides \$10,091 billion for military construction, a level \$308 million above the president's budget request and \$2,365 billion above the FY 2017 enacted level. This account provides for a variety of both domestic and foreign construction projects, including family housing. A table showing the breakdown of construction funding by Service Branch can be found [here](#).

Title II: Department of Veterans Affairs:

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President Request	FY18 House Level		FY18 vs 17 Enacted	FY18 vs President
74,408,855	78,713,032	81,475,300		+7,066,445	+2,722,268

The bill provides \$78.329 billion in net total discretionary funding for the Department of Veterans Affairs, a level is \$7.06 billion above the FY 2017 enacted level and \$2.72 million above the president's budget request.

VA Claims Backlog: According to the [most recent report](#) from the VA, 364,884 veterans' claims remain pending with the VA, including 90,640 that have been pending for more than 125 days. To address this problem, the bill provides \$2.910 billion for General Operating Expenses for the Veterans Benefits Administration, an amount \$53 million above the FY 2017 enacted level and \$66 million above the president's budget request.

Advance Appropriations for Veterans Health Administration: The [Fiscal Year 2017 Military Construction and Veterans Affairs Appropriations bill](#) provided \$66.385 billion in advance appropriations FY 2018 funds for veterans' health benefits.

The bill contains \$70.699 billion in advance appropriations for veterans' health benefits for FY 2019, an amount equal to the president's budget request.

Mental Health: The bill provides \$8.385 billion for VA mental health programs.

Opioids: The bill includes \$56 million for opioid addiction prevention and recovery authorized by the Comprehensive Addiction and Recovery Act (CARA).

Medical and Prosthetic Research: The bill includes \$722 million for medical and prosthetic research, a level that is \$47 million above the FY 2017 enacted level and \$82 million above the president's budget request.

IT Systems: The bill includes \$4.055 billion for the VA information technology systems, a level that is \$222 million below the FY 2017 enacted level and equal to the president's budget request.

VA Office of Inspector General: The bill provides \$164 million for the VA Office of Inspector General, \$4 million above to the enacted FY 2017 level and \$4.5 million above the president's budget request.

VA Construction: The bill provides \$512 million for major VA construction projects, equal to the president's budget request and \$15 million below the FY 2017 enacted level.

Additionally, the bill provides \$343 million for minor VA construction projects, equal to the president's budget request and \$29 million below the FY 2017 enacted level, in addition to a hurricane supplemental of \$4,088 million authorized by the Bipartisan Budget Act of 2018.

Title III: Related Agencies:

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President Request	FY18 House Level		FY18 vs 17 Enacted	FY18 vs President
241,145	243,808	424,700		+183,555	+180,892

The bill provides a total of \$424.7 million for the other related agencies funded by the bill, including the American Battle Monuments Commission, the U.S. Court of Appeals for Veterans Claims, Army Commentarial Expenses, and the Armed Forces Retirement Home.

Title IV: Overseas Contingency Operations (OCO):

Net Total Discretionary in Thousands of Dollars

FY17 Enacted	FY18 President Request	FY18 House Level		FY18 vs 17 Enacted	FY18 vs President
419,733	638,130	750,000		+330,267	+111,870

The bill provides a total of \$750 million for military construction projects funded using OCO. This level is \$111 million above the president's budget request and \$330 million above the enacted FY 2017 level. OCO spending is exempted from the annual spending caps established by the Budget Control Act.

MAJOR POLICY PROVISIONS:

Guantanamo Bay: The bill includes language prohibiting the use of funds for the renovation, expansion, or construction of any facility in the continental United States for the purpose of housing any individual who

has been detained at Guantanamo Bay. The bill also includes a rider prohibiting the use of funds to close Guantanamo Bay.

American Steel: The bill includes a rider that prohibits the procurement of steel unless American producers have been allowed to compete.

Climate Change and Coastal Erosion: The Committee Report directs the Department of Defense to report to Congress regarding vulnerabilities to climate-related security risks.

Division K: Department of State and Foreign Operations

The bill would provide a net total of \$42 billion in Fiscal Year 2018 base discretionary budget authority that is subject to the Budget Control Act (BCA) discretionary spending caps. This is 6.6 billion above the FY17 level and 13.77 billion above Trump's request. The bill also includes \$12 billion in Overseas Contingency Operations (OCO/GWOT) funding that is exempt from the BCA spending caps.

Department of State: The Department of State would be appropriated \$16 billion including OCO funds.

Educational and Cultural Exchange Programs: The bill would provide \$646 million for Educational and Cultural Exchange Programs.

Embassy Security, Construction and Maintenance: The bill would provide \$6 billion in funding for Embassy Security.

Contributions to International Organizations: The bill would provide \$1.37 billion in base funding for contributions to international organizations, in addition to \$96 million in OCO funding.

Contributions for International Peacekeeping Activities: The bill would provide \$414 million for in base funding for Contributions for International Peacekeeping Activities, in addition to \$967 million in OCO funding.

U.S. Institute of Peace: The bill would provide \$37.8 million for the U.S. Institute of Peace.

United States Agency for International Development (USAID): The USAID would be appropriated \$1.6 billion

Bilateral Economic Assistance: Bilateral Economic Assistance would be appropriated \$16.8 billion.

Global Health Programs: The bill would provide \$8.7 billion for Global Health Programs.

Development Assistance: The bill would provide \$3 billion for Development Assistance. The President's budget proposed eliminating this account.

Migration and Refugee Assistance: The bill would provide \$927 million for Migration and Refugee Assistance, in addition to \$2.4 billion in OCO funding.

International Security Economic Assistance: International Security Assistance would be appropriated \$9 billion in base and OCO funds.

Multilateral Assistance: Multilateral Assistance would be appropriated \$1.9 billion

Export-Import Bank: Many conservatives will be concerned that the bill would provide an appropriation of \$110 million for administrative expenses of the Ex-Im bank.

OPIC: Many conservatives will be concerned that the bill would provide total appropriations of \$79.2 million for the Overseas Private Investment Corporation (OPIC).

Overseas Contingency Operations (OCO): OCO would be appropriated \$12.018 billion.

Major Policy Provisions:

Pro Life Provisions: The bill continues current law pro-life provision, including the:

- “Tiahrt Amendment,” which ensures family planning programs are voluntary.
- “Helms Amendment,” which bans foreign aid from being spent on abortions.
- “Kemp-Kasten Amendment,” which prohibits funds to organizations the President determines to support coercive abortion or involuntary sterilization.

Mexico City Policy: The bill blocks rolling back the Mexico City Policy, to make foreign NGOs that perform and promote abortion overseas ineligible for US funds. On January 23, 2017 the Trump Administration issued a Presidential Memorandum reinstating the Mexico City Policy and applying it to all Global Health funding.

United Nations Population Fund (UNFPA): The bill does *not* prohibit funds for the UNFPA.

Green Climate Fund: The bill provides that “None of the funds appropriated or otherwise made available by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available as a contribution, grant, or any other payment to the Green Climate Fund.”

Prohibition on Assistance to State Sponsors of Terror: The bill would prohibit funds for assistance for the governments of Cuba, North Korea, Iran, and Syria.

Prohibition on Assistance to Coups: The bill would prohibit funds for assistance to countries where the democratically elected government is deposed by a military coup.

Guantanamo: The bill would require the Secretary of State to notify Congress within 5 days after the conclusion of an agreement with a country to receive a Guantanamo detainee with the details of the agreement.

Division L: Transportation, Housing, and Urban Development

The Bill would provide \$70.3 billion for this bill, a level that is \$12.65 billion above the FY 2017 enacted level.

TIGER Grants: Some conservatives may be concerned that the Bill funds \$1.5 billion in TIGER Grants. [President Trump](#)’s budget would eliminate them.

As described by the [RSC budget](#), “TIGER Grants, also called the National Infrastructure Investment Program, were created by President Obama’s failed Stimulus law. The program is particularly problematic because projects are selected by the administration, often for political purposes (Democrat districts received 69 percent of funding during the Obama administration), and go towards projects that would be [more appropriately funded by state or local governments](#). [GAO](#) has found problems with the funding decisions made by the administration under this program.³⁹⁴ The TIGER program is a remarkably poor investment, and Congress chose not to reauthorize it in the highway bill signed into law by President Obama in 2015. Ending appropriations for TIGER Grants beginning in FY 2018 would save taxpayers \$500 million each year. The president’s Budget Blueprint calls for ending this unauthorized program.”

Essential Air Service (EAS) (Payments to Air Carriers): The Bill would provide EAS with \$155 in discretionary funding. This program also receives mandatory funding.

[President Trump](#) has requested that Congress eliminate this wasteful program because “EAS flights are not full and have high subsidy costs per passenger. Several EAS-eligible communities are relatively close to major airports, and communities that have EAS could be served by other existing modes of transportation.”

The [RSC](#) budget would also eliminate EAS.

Federal Aviation Administration (FAA): The bill would provide a total of \$18 billion in budgetary resources for the FAA.

Federal Highway Administration (FHWA): The Bill would provide \$47.49 billion from the Highway Trust Fund for the FHWA highway program.

Amtrak: The Bill would fund Amtrak.

[President Trump](#) has requested that Congress eliminate federal funding for Amtrak’s money-losing long distance service.

Mass Transit: The Bill would provide \$9.7 billion from the Highway Trust Fund for mass transit.

New Starts (Capital Investment Grants): The Bill would provide \$1.5 billion for the New Starts Capital Investment Grants program.

As described by the [RSC Budget](#), “The New Starts Program, sometimes called Capital Investment Grants, provides billions in subsidies to local transit for capital improvements to fixed-guideway projects, including streetcars, subways, and dedicated bus lanes. Often these projects are inefficient and fail to reduce congestion. Because this program subsidizes only new projects, it incentivizes transit agencies to build expensive projects without regard to cost, putting taxpayers on the hook for operating costs down the road and diverting funds from adequately maintaining existing roads and other infrastructure.”

[President Trump’s budget](#) proposed to limit funding for this program to “projects with existing full funding grant agreements only. Future investments in new transit projects would be funded by the localities that use and benefit from these localized projects.”

Taxpayer Funding for the D.C. Metro: The Bill would provide a direct appropriation of \$150 million to the D.C. Washington Metropolitan Area Transit Authority (WMATA).

As described by the [RSC Budget](#), “The federal government should not be directly subsidizing the public transit system of one of the most affluent metropolitan areas in the U.S.”

Tenant-Based Rental Assistance Section 8 Housing: The Bill would provide \$20 billion for Section 8 Public Housing.

Public Housing Capital Fund: The Bill would provide \$2.75 billion for the Capital Fund.

Public Housing Operating Fund: The Bill would provide \$4.55 billion for the Operating Fund.

Community Development Block Grant (CDBG): The Bill would provide \$3.3 billion for the CDBG, which has been unauthorized since 1994.

[President Trump's budget](#) proposed to eliminate CDBG because “The Federal Government has spent over \$150 billion on this block grant since its inception in 1974, but the program is not well-targeted to the poorest populations and has not demonstrated results.”

Project Based Rental Assistance: The Bill would provide \$11.5 billion for Project Based Rental Assistance, a level that is \$501 million above the FY 2017 enacted level.

Affirmatively Furthering Fair Housing: The Bill would prohibit the use of funds to implement the Obama administration's [Affirmatively Furthering Fair Housing](#) zoning rule.

Gateway Tunnel: While the bill does *not* specifically direct funds to the Gateway tunnel project, some conservatives, may be concerned that the project could receive funding through programs appropriated under the bill, such as the Capital Investment Grants Program.

Division M – Extensions

Title I—Airport and Airway Extension

The authorization for the FAA and other aviation programs is currently set to expire on March 31, 2018.

This bill would extend the authorization through September 30, 2018, for:

- The Airport Improvement Program;
- Federal Aviation Administration Operations;
- Air Navigation Facilities and Equipment;
- Research, Engineering, and Development;
- The Essential Air Service;
- Revenue sources for the Airport and Airway Trust Fund, including ticket and fuel taxes;
- and expenditure authority from the Airport and Airway Trust Fund.

The bill increases the authorization for the Essential Air Service to \$10M, from the \$6M authorization in FY12-FY17. Some conservatives may be concerned that this bill extends and expands the Essential Air Service (EAS) program. This program heavily subsidizes flights to and from rural areas—often at a cost of several hundred dollars per passenger. The [RSC Budget](#) recommended eliminating the EAS.

This section also increases the authorization for civil aviation research and development under [49 U.S.C. 48102](#) by \$10M, to a new total of \$176.5M. Some conservatives may be concerned with this increase, since this is the first time in the last 8 fiscal years that spending for this program has increased. Prior to this bill the authorization for this program had been decreasing.

The bill would also allow the FAA, in certain circumstances, to consider certain air traffic controller applicants without considering biographical assessments. In addition, the FAA is authorized to establish a program to hire air traffic controller applicants who are retired military controllers.

Title II—Immigration Extensions

The bill would extend a number of immigration provisions through September 30, 2018.

Additionally, the bill would allow the Secretary of Homeland Security to increase the number of H-2B visas above the cap “by not more than the highest number of H-2B nonimmigrants who participated in the H-2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation” upon the determination that “the needs of American businesses cannot be satisfied in fiscal year

2018 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor”.

Title III—National Flood Insurance Program Extension

The bill would reauthorize the National Flood Insurance Program (NFIP) through July 31, 2018. Some conservatives may be concerned that the bill does not include House-passed reforms to the program.

Title IV—Pesticide Registration Improvement Act Extension

This section would extend the pesticide maintenance fees, which terminated at the end of FY 2017. The bill would extend this fee authority through FY 2018. These fees are available for obligation by the EPA without further congressional appropriation. Some conservatives have expressed concerns over various fee and fine accounts subject to automatic appropriation. This section also extends through FY 2018: (1) the use of Reregistration and Expedited Processing Fund monies for the enhancement of pesticide registration decision tracking; (2) the use of Pesticide Registration Fund monies for worker protection, partnership grants, and the pesticide safety education program; (3) the pesticide registration service fees; and, (4) fees for the processing of requests for tolerance or exemption of pesticide chemical residues.

Title V General System of Preferences

Title V of Division M contained identical language to the [House-passed H.R. 4979](#), which would extend the [Generalized System of Preferences](#) (GSP), a U.S. trade preference program that promotes sustainable development in beneficiary countries by helping these countries to increase and diversify their trade with the United States. The provision would extend the Generalized System of Preferences to December 31, 2020. The bill would require the United States Trade Representative to submit a report to Congress on efforts to ensure that countries designated as beneficiary developing countries under [title V of the Trade Act of 1974](#) (19U.S.C. 2461 et seq.) are meeting the eligibility criteria set forth in that legislation. The bill would make several technical corrections to the procedure for competitive need limitation process set up in GSP to ensure that beneficiary countries meet eligibility requirements for the program. The bill would extend a limitation on the collection of [certain custom fees](#) to August 1, 2027.

More information on the previous extension of GSP can be found [here](#) from the RSC’s legislative bulletin on H.R. 1295, the Trade Preferences Extension Act of 2015. More information supporting the extension of GSP from the Heritage Foundation can be found [here](#).

Title VI – Judicial Redaction Authority Extension

This title would extend through 2027 the authority of the Judicial Conference to redact personal and sensitive information from the financial disclosure report of a judge or judicial employee if it finds that revealing the information could endanger that individual or a family member of that individual.

Title VII – Budgetary Effects

The bill contains a number of provisions waiving the budgetary impact of the following Divisions:

- Division M: Extensions
- Division O: Wildfire Suppression Funding & Forest Management Activities

- Division P: Ray Baum’s Act of 2018
- Division Q: Kevin & Avonte’s Law
- Division R: TARGET Act
- Division S: Other Matter

The bill would waive the requirement that the budgetary impact of those divisions be added to the annual statutory PAYGO scorecard maintained by OMB. By doing so, any deficit impact would not be offset by across the board spending cuts to non-exempt programs through the sequestration process.

The Senate PAYGO rule establishes a point of order -- requiring 60 votes to overcome -- against tax and mandatory spending legislation that would increase or produce the deficit over a 6 or 11-year period. The FY2018 budget resolution restates the 6 and 11-year tests and adds new current year and budget year tests.

The bill would waive any budgetary impact of those divisions from these scorecards. The bill would also exempt any budgetary impact of those divisions for purposes of the BCA’s discretionary sequestration.

Division N – BUILD Act

The text of the Brownfields Utilization, Investment, and Local Development (BUILD) Act of 2018 can be found [here](#).

The bill would make several changes to laws related to Brownfields, including increasing funding for remediation grants and authorizing funding through FY 2023.

Division O - Wildfire Suppression Funding and Forest Management Activities Act

The [Wildfire Suppression Funding and Forest Management Activities Act](#) is *not* identical to legislation considered by the House in the First Session of the 115th Congress. The House passed [H.R. 2936, the Resilient Federal Forests Act of 2017](#), on November 1, 2017, by a [232 – 188](#) vote.

Under current law, Congress appropriates funding for wildfire management to the USDA’s Forest Service (FS) and the Department of Interior (DOI). The two main suppression accounts at each agency are the Wildland Fire Management (WFM) accounts and the Federal Land Assistance, Management, and Enhancement Act (FLAME) reserve accounts. If the suppression funding in both of these accounts is exhausted during any given fiscal year, the agencies are authorized to transfer funds from their non-suppression accounts to pay for suppression activities. This is known as “fire borrowing.” These accounts are funded through the annual appropriations process, but fire suppression efforts can also be funded through supplemental and emergency appropriations bills. Generally, wildfires on federal lands are not eligible for major disaster funding under the Stafford Act.

[According to CRS](#), “fire borrowing” authority provides the Forest Service and DOI “with an open-ended transfer authority, which some argue provides little incentive to manage suppression costs. The agencies—and the Government Accountability Office (GAO)—also have argued that the fire transfers are disruptive to their non-fire operations and hinder their ability to carry out their statutory missions. The agencies also claim borrowing from other program accounts—even when repaid in subsequent appropriations—creates uncertainty in the availability of funds and affects program implementation. In addition, some programs are time sensitive (e.g., land sales) and may suffer adverse impacts (e.g., changing land prices) if and when delayed by fire transfers.”

Increasing Cap-Exempt Spending: The bill would change the way that the disaster cap is calculated.

The bill would also establish a category of cap-exempt spending for wildfire suppression operations. The amount of the cap-exempt spending would grow from \$2.25 billion in FY 2020 to \$2.95 billion in FY 2027. The Budget Control Act caps on discretionary spending are set to expire after FY 2021. Some conservatives may feel that instead of establishing a funding stream that is not subject to BCA discretionary caps, Congress should prioritize appropriations to fire suppression within existing accounts that are subject to the existing BCA discretionary funding caps.

The bill would require the Secretary of Interior to submit a request for additional supplemental appropriations if funding for wildfire suppression is projected to be exhausted within 30 days.

Management: The bill would make reforms to forest management activities.

SPR Sales: The bill would require the sale of 10 million barrels of crude oil from the Strategic Petroleum Reserves in FY 2020 and 2021.

Division P: Ray Baum's Act of 2018

Division P contains identical language to the House-passed [H.R. 4986](#) which would reauthorize the Federal Communications Commission (FCC). The commission has not been reauthorized since Congress passed the [Federal Communications Commission Authorization Act of 1990](#). The provision would authorize \$333,118,000 for fiscal year 2019 and \$339,610,000 for fiscal year 2020 for the FCC to carry out its functions. The sum appropriated in any fiscal year to carry out these activities would be offset and derived from regulatory fees collected by the commission and authorized by [section 9 of the Communications Act of 1934](#). The FCC would be directed to assess and collect application and regulatory fees at rates set in a schedule of application fees to recover its costs to process applications. The FCC would be required to notify Congress of any adjustment to such fees. The bill further sets procedures for the fee structures as well as specified rules related to the payment of fees. The FCC was last authorized in FY 1991, but has continued to be funded in appropriations bills. The division would extend the application of the Antideficiency Act, which prohibits officers or employees of the U.S. Government from authorizing the expenditure of funds that exceed the amount available in an appropriation by a year to the [Universal Service Program](#) until December 31, 2019.

Division P would establish a Broadcast Repack Fund in the Treasury of the United States which would serve as a reserve source for the payment of TV broadcaster relocation costs at the discretion of the FCC, but would require the commission to certify to Congress that such payments are necessary to reimburse reasonably incurred costs. The bill would also establish a Translator and Low Power Station Relocation Fund, and a FM Broadcast Station Relocation Fund, under the same structure, as well as a Broadcast Station Relocation Consumer Education Fund to make payments solely for the purposes of consumer education relating to the reorganization of broadcast television spectrum.

Title VII of the provision, or the "Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act" or the "MOBILE NOW Act" would require the National Telecommunications and Information Administration (NTIA) and the FCC by December 31, 2022, to make available at least 255 megahertz of federal and nonfederal spectrum below the frequency of 6000 megahertz for mobile and fixed wireless broadband use. 100 megahertz would be made available on an unlicensed basis; and 100 megahertz would be made available on an exclusive, licensed basis for commercial mobile

use. 55 megahertz below the frequency of 8000 megahertz would be identified for use on either a licensed or unlicensed basis, or a combination of licensed and unlicensed.

[Ray Baum](#) served as the Staff Director of the House Energy and Commerce Committee until his passing on February 9, 2018, after a battle with cancer.

Division Q—Kevin and Avonte’s Law

The text of Kevin and Avonte’s Law of 2018 can be found [here](#). The House has *not* considered H.R.4221, the Kevin and Avonte's Law of 2017.

The bill would reauthorize the Reauthorization Of The Missing Alzheimer’s Disease Patient Alert Program, a grant program under the Department of Justice, and would extend it to cover children who have autism, and may exhibit similar wandering behavior. The bill would authorize appropriations of \$2 million annually for FY 2018 - 2022.

The bill would further require the Attorney General to “establish standards and best practices relating to the use of non-invasive and non-permanent tracking technology” to help locate “individuals with forms of dementia, such as Alzheimer’s Disease, or children with developmental disabilities, such as autism, who have wandered from safe environments”.

Some conservatives may believe it is inappropriate for the Attorney General to establish standards promoting tracking devices to monitor the location of individuals.

Division R: Target Act

Division R, the Target Act, would amend [section 36\(k\)\(5\) of the State Department Basic Authorities Act of 1956](#) to include severe forms of human trafficking involving at least 1 jurisdiction outside the United States under the State Department’s [Rewards for Justice Program](#).

Division S—Other Matter

Title I—Child Protection Improvements Act

The text of the Child Protection Improvements Act can be found [here](#). The House passed [H.R. 695, the Child Protection Improvements Act of 2017](#), on May 22, 2017, by a voice vote.

The bill would make permanent and expand an existing pilot program to provide access to a national history background check system and criminal history review program for entities whose employees would have access to children, the elderly, or disabled individuals as part of their employment.

Title II—Save America’s Pastime Act

This section would exempt Minor League baseball players from the minimum wage and maximum hour requirements codified under [28 U.S.C. 206 et al.](#)

Title III—Keep Young Athletes Safe Act

The text of the Keep Young Athletes Safe Act of 2018 can be found [here](#). The House has *not* considered H.R.5252, the Keep Young Athletes Safe Act of 2018.

The bill would establish a new grant program and authorize appropriations of \$2.5 million annually for FY 2018 - 2022 to “an eligible nonprofit nongovernmental entity in order to support oversight of the United States Olympic Committee, each national governing body, and each paralympic sports organization with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse in sports.”

The Commerce, Justice, and Science Appropriations bill would also provide the appropriation for this new grant program.

Title IV—Consent of Congress to Amendments to the Constitution of the State of Arizona

The bill would provide Congressional consent to amendments to the Constitution of the State of Arizona relating to education finance that were approved in a special election in the State.

Title V—Stop School Violence Act

The text of the Student, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 can be found [here](#). The House passed [H.R.4909, the STOP School Violence Act of 2018](#), on March 14, 2018, by a [407 - 10](#) vote. The bill is *not* identical to the House-passed version, and instead increases the spending.

The bill would reauthorize, modify, and expand a Department of Justice program awarding grants to state and local governments to improve school security.

The bill would revise the purposes for which grant funds may be used. Grants would be focused on evidence-based safety programs that could include violence prevention training, anonymous reporting systems, crisis intervention teams, local law enforcement coordination, deterrent devices, and subgrants to local entities like law enforcement agencies and schools. In addition to need and ability to make security improvements, the bill would add as a factor in grant preference the use of evidenced based strategies.

The bill would authorize appropriations of \$75 million in FY 2018 and then \$100 million annually for FY 2019 - 2028. Some conservatives may be concerned that the bill would authorize funding for eleven years. The Majority Leader’s Sunset Requirement Floor Protocol states that “Any bill or joint resolution authorizing discretionary appropriations or providing new or continued direct spending or establishing or continuing an agency, office or program shall also include a provision sunseting such authorization, direct spending, agency, office, or program not later than seven years after the first fiscal year spending is authorized or provided under the bill or joint resolution.”

The bill would specify that no funds are provided to provide a firearm to any person or provide training in the use of a firearm.

Title VI—Fix NICS Act

The text of the Fix NICS Act of 2018 can be found [here](#). The legislation is similar, but *not* identical to legislation considered in the First Session of the 115th Congress. The House passed [H.R.38, Concealed Carry](#)

[Reciprocity Act of 2017](#), which contained a version of the Fix NICS Act on December 6, 2017, by a [231 – 198](#) vote.

Many conservatives may be alarmed that the House will consider Fix NICS Act *without* also considering the Concealed Carry Reciprocity Act. House Republican leadership repeatedly [made a commitment](#) that the [two bills](#) would [remain coupled](#) together in the House. In December, 40 Conservatives wrote a [letter](#) stating that they “will oppose any attempt to bring FIX NICS to the floor of the House for a vote unless it includes language substantially similar to that of H.R. 38.”

Some conservatives have further expressed concerns about due process related to the NICS system.

Under [current law](#), if a Federal department or agency has any record of any person demonstrating that the person falls within one of the [categories](#) that make it unlawful for an individual to possess a firearm the head of the department or agency shall provide the pertinent information contained in the record to the Attorney General not less frequently than quarterly.

The bill would require the heads of federal agencies to submit semiannual certification to the Attorney General on agency or departmental compliance with NICS record submission requirements. It would require the agency heads to establish an implementation plan to ensure coordination and automated reporting of records to the Attorney General, and a verification of record accuracy within one year after enactment.

Political appointees would not be eligible for bonus pay in Fiscal Years 2019 – 2022 if they are found to have failed to certify compliance with record submission and are noncompliant with implementation plans, until they do so.

The bill would reauthorize \$125 million annually for the NICS Act Record Improvement grant program (NARIP) through 2022.

Title VII—State Sexual Risk Avoidance Education Program

The bill would modify the allotment funding for the Sexual Risk Avoidance Education Program.

Title VIII—Small Business Credit Availability Act

The text of the Small Business Credit Availability Act can be found [here](#). The House has *not* considered H.R.4267, the Small Business Credit Availability Act, but it was reported by the Financial Services Committee by a 58 - 2 vote.

The bill would raise the limits on the amount of leverage allowed for Business Development Companies that invest in small private companies and offer managerial assistance.

Title IX—Small Business Access to Capital After a Natural Disaster Act

The text of the Small Business Access to Capital After a Natural Disaster Act can be found [here](#). The House passed [H.R.4792, the Small Business Access to Capital After a Natural Disaster Act](#), on January 29, 2018, by a voice vote.

The bill would require the Advocate for Small Business Capital Formation to report on challenges for small businesses affected by hurricanes and other natural disasters.

Title X—Taylor Force Act

The text of the Taylor Force Act can be found [here](#). The House passed [H.R.1164, the Taylor Force Act](#), by a voice vote on December 5, 2017.

The Taylor Force Act would prohibit specified foreign assistance to the Palestinian Authority unless the Department of State certifies to Congress that that the Palestinian Authority has ended payments to individuals who commit terrorist acts against Israeli and U.S. citizens and taken steps to reduce violence.

Title XI—FARM Act

This section would amend [42 U.S.C. 9603](#) to exempt (1) registered pesticides, and (2) air emissions from animal waste, from being subject to the reporting requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). According to the [sponsor](#), the Environmental Protection Agency (EPA) originally exempted livestock from the reporting requirements, however the U.S. Court of Appeals recently ruled that the EPA was not authorized to provide such an exemption.

Title XII—Tipped Employees

This section would prohibit employers, managers and supervisors from keeping tips received by other employees and establishes penalties for violations.

Title XIII—Revisions to Pass-Through Period and Payment Rules

This would extend pass-through payment status for certain Part B drugs and biologics for an additional two years and require a GAO study.

Division T—Revenue Provisions

The bill would amend Section 199A of the Internal Revenue Code to provide a technical fix to changes made in the Tax Cuts and Jobs Act. Specifically, it would repeal the 20 percent deduction of gross sales to agricultural co-operatives, which advantages co-ops relative to other businesses. It would provide a 20 percent deduction on net business income for farmers selling to co-ops and reduce the deduction by the lesser of (1) 9 percent of the farmer's income from sales to the co-op; or (2) 50 percent of wages related to sales to the co-op. Under current law, some farmers might be able to write off their income entirely under the gross sales deduction.

The bill would increase the In-State Housing Credit Ceiling for 2018 – 2021.

The bill would enhance the Low-income Housing Credit.

Division U—Tax Technical Corrections

The bill would make a number of “technical corrections” to several revenue laws. However, there are no changes in this Division to the Tax Cuts and Jobs Act.

Division V – CLOUD Act

The text of the Clarifying Lawful Overseas Use of Data (CLOUD) Act can be found [here](#). H.R.4943, the CLOUD Act, has not been considered by the House. Many conservatives will be concerned that substantial authorizing legislation concerning privacy and international agreements is included in the Omnibus without review considered by the House.

The Supreme Court is currently considering [a case](#) related to the issue addressed by the bill, specifically “Whether a United States provider of email services must comply with a probable-cause-based warrant issued under 18 U.S.C. § 2703 by making disclosure in the United States of electronic communications within that provider's control, even if the provider has decided to store that material abroad.”

The bill would amend the [criminal code](#) regarding stored electronic communications to require electronic communications providers to preserve and disclose the contents of electronic communications and other records regardless of whether the records are located within or outside the United States when required by a governmental entity pursuant to a warrant.

The bill would allow the Attorney General, with the concurrence of the Secretary of State, to enter into executive agreements with foreign governments that would allow the foreign government to request communications held by U.S. electronic communications providers.

The bill would provide that it is not unlawful for electronic communications providers intercept or disclose the contents of electronic communications in response to an order from a foreign government that is subject to an executive agreement.

The bill would require the Attorney General to certify to Congress that the foreign country has domestic laws in place affording robust protections of privacy and civil liberties, is a party to the Convention on Cybercrime, has adopted procedures to minimize acquisition, retention, and dissemination of information concerning U.S. persons, that the agreement does not create an obligation that the providers be capable of decrypting data, and that the agreement requires the foreign government to not intentionally target a U.S. person or a person located in the U.S. The bill would establish a process by which the Congress could pass a joint resolution of disapproval of an agreement.

COMMITTEE ACTION:

The bill was introduced on March 21, 2018 posted to docs.house.gov at 7:57PM .

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

The original constitutional authority statement for H.R. 1625 states “Congress has the power to enact this legislation pursuant to the following: Article I, section 8 of the Constitution of the United States”

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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